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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION NO. _____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION OF HIROTA, Koki,

FOR A SEPARATE TRIAL

Now comes the defendant, Hirota, Koki, by his duly appointed attorneys of record, and moves the Honorable, the International Military Tribunal for the Far East, for an order granting this defendant a separate trial on the Indictment heretofore filed with the Tribunal on 3 May, 1946, and as grounds for said motion says as follows:

1. The defendant is indicted for acts and possibly acts of omission in his capacity as Japanese Ambassador to Russia and as Foreign Minister and Prime Minister of Japan. He never occupied any military or naval office in the Japanese Government. The joining of this defendant with a large number of military and naval officers of the Japanese Government renders it impossible, from both a legal and practical standpoint, for this defendant to obtain a fair and impartial trial, and his trial jointly with a large number of such military and naval officers will hopelessly prejudice his defense.

2. The Indictment covers a period of seventeen years of Japanese history and governmental action. The trial of this defendant jointly with twenty-seven other

defendants involves many thousands of issues which cannot be reasonably or conveniently presented in a single trial or proceeding. The trial involves such a multitude of defendants and facts and will require such an inordinate period of time for its consideration and determination that this defendant has no possibility of a just determination of the merits of his case in the context of a joint trial.

3. The Indictment and the defense to the Indictment will involve a presentation of facts of such enormous proportions that a joint trial will prove to be unwieldy and of indefinite duration.

4. And for other matters to be argued.

HIROTA, Koki
by

/s/ Tadashi Hanai
Tadashi Hanai
Japanese Counsel

/s/ David F. Smith
David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.